

DISTRICT OF NEVADA

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Case No. 3:16-cv-00544-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
VALERIE P. COOKE

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Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 6) (“R&R”), recommending dismissal due to Plaintiff’s failure to file a complaint. Plaintiff had until January 30, 2018 to object. (*Id.*) To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an objection.").
5 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
6 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226
7 (accepting, without review, a magistrate judge's recommendation to which no objection
8 was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cooke's R&R. The Magistrate Judge
11 recommends dismissing this action with prejudice based on Plaintiff's failure to file an
12 amended complaint within the time period permitted by the Court. Upon reviewing the
13 R&R and the filings in this case, this Court finds good cause to accept and adopt the
14 Magistrate Judge's R&R in full.

15 It is therefore ordered, adjudged and decreed that the Report and Recommendation
16 of Magistrate Judge Valerie P. Cooke (ECF No. 6) is accepted and adopted in its entirety.


17 It is further ordered that plaintiff's application to proceed *in forma pauperis* (ECF
18 No. 1) is denied.

19 It is further ordered that plaintiff's motions to withdraw motion for order of protection
20 (ECF Nos. 4, 5) are denied as moot.

21 It is further ordered that this action is dismissed with prejudice.

22 The Clerk is directed to enter judgment in accordance with this Order and close this
23 case.

24 DATED THIS 12th day of March 2018.

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26 
27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE